



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. 03-09

Subject of possible rule making: This rule making will create a new chapter in the Washington Administrative Code. This chapter will focus on Carbon Dioxide Mitigation at new power plants that fall below the Energy Facility Site Evaluation Council (EFSEC) threshold (350MWH) and supply the public with electricity.

(a) Statutes authorizing the agency to adopt rules on this subject: Chapter 70.94.RCW

(b) Reasons why rules on this subject may be needed and what they might accomplish: Carbon dioxide emissions are a major contributor to global warming. In Washington, power plants are the fastest-growing source of carbon dioxide emissions. Mandating reductions in carbon dioxide emissions from new power plants is probably the best and most cost-effective way to help reduce the effects of global warming. A rule will concisely, simply, and clearly spell out CO₂ mitigation requirements for **new** power plants. The Energy Facility Site Evaluation Council (EFSEC) is concurrently developing CO₂ mitigation requirements for new power plants under its jurisdiction.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology staff will work closely with Energy Facility Site Evaluation Council (EFSEC) staff during all phases of both agencies CO₂ mitigation rule development. EFSEC is composed of members from several state agencies including, the Utilities and Transportation Commission, the Department of Natural Resources, the Department of Fish and Wildlife, the Department of Community, Trade, and Economic Development, and the Department of Ecology.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Rulemaking for significant legislative rules, as described in the Washington State Administrative Procedure Act. (Chapter 34.05 - RCW)

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can access more information on this rulemaking by contacting the Ecology staff member listed below or accessing the Ecology website: <http://www.ecy.wa.gov/laws-rules/index.html>

Melissa McEachron
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6860
Fax: (360) 407-7534
e-mail: mmce461@ecy.wa.gov

NAME (TYPE OR PRINT)

Mary Burg

SIGNATURE

MARY BURG

TITLE

Program Manager

DATE

10/16/03

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON

FILED

Oct. 20, 2003

TIME 4:20 PM

WSR 03-21-119

This is not the original Code
Reviser's date stamp.
Information is re-keyed by
adopting agency.